

1                                   **UNITED STATES DISTRICT COURT**  
2                                   **FOR THE**  
3                                   **DISTRICT OF MASSACHUSETTS**

4 SARAH ROMANO,                                   )

5                                   Plaintiff,                                   )

6                                   v.                                   )

7 ENHANCED RECOVERY                                   )  
8 COMPANY, LLC,                                   )

9                                   Defendant                                   )  
10 \_\_\_\_\_)

**Case No.:**

**COMPLAINT AND DEMAND FOR  
JURY TRIAL**

**(Unlawful Debt Collection Practices)**

11                                   **COMPLAINT**

12                                   SARAH ROMANO (“Plaintiff”), by and through her attorneys, KIMMEL &  
13 SILVERMAN, P.C., alleges the following against ENHANCED RECOVERY  
14 COMPANY, LLC (“Defendant”):  
15  
16

17                                   **INTRODUCTION**

18                                   1.       This is an action for damages brought by an individual consumer for  
19 Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692,  
20 *et seq.* (“FDCPA”), which prohibits debt collectors from engaging in abusive,  
21 deceptive, and unfair practices.  
22  
23  
24  
25

**JURISDICTION AND VENUE**



1           9.     Upon information and belief, Defendant is a corporation that provides  
2 call center, collections, insurance and debt purchase services to companies in the  
3 United States.  
4

5           10.    At all times material hereto, Defendant acted as a “debt collector”  
6 within the meaning of 15 U.S.C. § 1692(a)(6), and attempted to collect a “debt” as  
7 defined by 15 U.S.C. § 1692(a)(5).  
8

9           11.    Defendant acted through its agents, employees, officers, members,  
10 directors, heirs, successors, assigns, principals, trustees, sureties, subrogees,  
11 representatives, and insurers.  
12

### 13                                   **FACTUAL ALLEGATIONS**

14

15           12.    At all relevant times herein, Defendant was attempting to collect an  
16 alleged consumer debt and contacted Plaintiff in its attempts to collect that debt.  
17

18           13.    The alleged debt at issue, an AT&T personal cellular telephone bill,  
19 arose out of transactions primarily for personal, family or household purposes.  
20

21           14.    Plaintiff never incurred any debt in connection with a business or  
22 commercial activities, and therefore, the debt if truly an obligation owed by her  
23 could have only arisen from financial obligations for primarily personal, family or  
24 household purposes.  
25



1           23. A debt collector violates § 1692e(10) of the FDCPA by using any  
2 false representation or deceptive means to collect or attempt to collect any debt or  
3 to obtain information concerning a consumer.  
4

5           24. Defendant violated §§ 1692e, 1692e(2)(A) and 1692e(10) of the  
6 FDCPA when it falsely represented the character and amount of the alleged debt.  
7

8                                   **COUNT II**  
9                                   **DEFENDANT VIOLATED §§ 1692f and 1692f(1) OF THE FDCPA**

10           39. A debt collector violates § 1692f of the FDCPA by using unfair or  
11 unconscionable means to collect or attempt to collect any debt.

12           40. A debt collector violates § 1692f(1) of the FDCPA by collecting an  
13 amount (including any interest, fee, charge, or expense incidental to the principal  
14 obligation) unless such amount is expressly authorized by the agreement creating  
15 the debt or permitted by law.  
16

17           41. Here, Defendant violated §§ 1692f and 1692f(1) of the FDCPA  
18 engaging in other unfair and unconscionable debt collection practices, including  
19 collecting an amount from Plaintiff that was not permitted by the agreement.  
20

21           WHEREFORE, Plaintiff, SARAH ROMANO, respectfully prays for  
22 judgment as follows:

- 23                   a. All actual damages suffered pursuant to 15 U.S.C. §  
24                   1692k(a)(1);  
25

- 1           b.     Statutory damages of \$1,000.00 for the violation of the FDCPA  
2                     pursuant to 15 U.S.C. § 1692k(a)(2)(A);  
3  
4           c.     All reasonable attorneys' fees, witness fees, court costs and  
5                     other litigation costs, pursuant to 15 U.S.C. § 1693k(a)(3);  
6  
7           d.     Any other relief deemed fair and proper by this Honorable  
8                     Court.

9                     **DEMAND FOR JURY TRIAL**

10           PLEASE TAKE NOTICE that Plaintiff, SARAH ROMANO, demands a  
11 jury trial in this case.

12                                     Respectfully submitted,  
13

14     Dated: 08-21-15

15                     By: /s/ Craig Thor Kimmel  
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